

On February 8, 1937, the Del Ray Corporation having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the products be released under bond conditioned that they be relabeled under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

27086. Adulteration and misbranding of mustard sauce. U. S. v. 21 Cartons; 20, 60, and 53 Cases of Mustard Sauce. Default decrees of condemnation and destruction. (F. & D. nos. 38935, 38991. Sample nos. 29328-C, 29338-C, 29339-C.)

These cases involved mustard sauce that contained added gum and excessive mustard hulls.

On January 14 and January 27, 1937, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 21 cartons and 133 cases of mustard sauce at Portland, Oreg., alleging that the article had been shipped in interstate commerce in various shipments on or about September 4, September 8, and October 9, 1936, by the Morehouse Mustard & Supply Co., from Oakland, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Jar) "Mor-Tang Brand Mustard Sauce Morehouse Mustard & Supply Company Oakland, Calif."

It was alleged to be adulterated in that mustard hulls and gum had been mixed and packed therewith so as to reduce or lower its quality or strength and had been substituted in part for mustard sauce, which the article purported to be. The article was alleged to be adulterated further in that it had been mixed with mustard hulls and gum in a manner whereby inferiority was concealed.

The article was alleged to be misbranded in that the statement "Mustard Sauce", borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing gum and mustard hulls.

On March 10, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27087. Misbranding of canned tomatoes. U. S. v. 849 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 38944. Sample no. 30235-C.)

These tomatoes were substandard because they did not consist of whole or large pieces and were not labeled to indicate that they were substandard.

On or about January 18, 1937, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 849 cases of canned tomatoes at El Reno, Okla., alleging that they had been shipped in interstate commerce on or about September 19, 1936, by Benicia Canning Co. from Benicia, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Ruby Brand Tomatoes with Puree from Trimmings * * * G. W. Hume Co. Distributors, San Francisco, Calif."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture because it did not consist of whole or large pieces, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On March 16, 1937, the G. W. Hume Co. having appeared as claimant and having admitted the allegations contained in the libel, judgment of condemnation was entered and it was ordered that the product be released under bond to be relabeled.

W. R. GREGG, *Acting Secretary of Agriculture.*

27088. Misbranding of canned peas. U. S. v. 22 Cases of Canned Peas. Default decree of condemnation and destruction. (F. & D. no. 38953. Sample no. 13695-C.)

These canned peas fell below the standard established by this Department since they were not immature and were not labeled so as to indicate that they were substandard.

On January 16, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 22 cases of canned peas at New Orleans, La., alleging that they had been shipped in interstate commerce on or about November 28, 1936, by Phillips Sales Co., Inc., from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Glyndon Brand * * * Early June Peas * * * Phillips Sales Co., Inc., Cambridge, Md. U. S. A. Distributors."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On February 25, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27089. Adulteration of sauerkraut. U. S. v. 49 Cartons of Canned Sauerkraut. Default decree of condemnation and destruction. (F. & D. no. 38970. Sample no. 20214-C.)

This product was in part decomposed.

On January 18, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 cartons of canned sauerkraut at Boston, Mass., alleging that it had been shipped in interstate commerce on or about August 15, 1936, by Allen Bros. Canning Co., from Manchester, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Cooper Special Brand Sauerkraut Packed for John Cooper, Holcomb, New York."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed or putrid vegetable substance.

On March 29, 1937, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27090. Misbranding of canned peas. U. S. v. 399 Cases of Canned Peas. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 38971. Sample no. 15350-C.)

This case involved canned peas that were substandard because they were not immature, and that were not labeled to indicate that they were substandard.

On January 16, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 399 cases of canned peas at Philadelphia, Pa., alleging that they had been shipped in interstate commerce on or about September 9, 1934, from Whitewater, Wis., by the Humbird Canning Co., of Humbird, Wis., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Rosa Brand Wisconsin Sweet Peas Packed for GF, Philadelphia, Pa. Quality Products"

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature, and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On February 18, 1937, Giacomo Foti, Inc., Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond to be relabeled.

W. R. GREGG, *Acting Secretary of Agriculture.*

27091. Misbranding of canned peas. U. S. v. 498, 295, and 640 Cases of Canned Peas. Consent decrees of condemnation. Product released under bond for relabeling. (F. & D. nos. 38977, 38990, 39167. Sample nos. 17579-C, 17806-C, 17926-C.)

This product fell below the standard established by this Department since the peas were not immature, and it was not labeled to indicate that it was substandard.